

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTHONY JEROME MILLS

Jessup Correctional Institute

P.O. Box 534

Jessup, MD 20794

(Full name, date of birth, identification #, address of petitioner)

Plaintiff,

v.

THOMAS C. MOONEY, ESQ., et al

14750 Main Street

Upper Marlboro, MD 20772

(Full name and address of respondent)

Defendant(s).

Case No.:

(Leave blank. To be filled in by Court.)

COMPLAINT

I. Previous Lawsuits

- A. Have you filed other cases in state or federal court dealing with the same facts as in this case or against the same defendants?

YES ☒ NO ☐

- B. If you answered YES, describe that case(s) in the spaces below.

1. Parties to the other case(s):

Plaintiff: Anthony J. Mills

Defendant(s): Thomas C. Mooney, esq., John J. Pikulski, esq.,

2. Court (if a federal court name the district; if a state court name the city or county):

Circuit Court for Prince George's County, Maryland

3. Case No.: CAL16-24044
4. Date filed: 06-03-2016
5. Name of judge that handled the case: Judge Green
6. Disposition (won, dismissed, still pending, on appeal): Upon a request by Plaintiff, dismissed without prejudice.
7. Date of Disposition: May 8, 2017, See attached as exhibit-A.

II. Administrative Proceedings

- A. If you are a prisoner, did you file a grievance as required by the prison's administrative remedy procedures?

YES ☐ NO ☒

1. If you answered YES:

a. What was the result? _____

b. Did you appeal? _____

YES ☐ NO ☒

2. If you answered NO to either of the questions above, explain why: _____

III. Statement of Claim

(Briefly state the facts of your case. Include dates, times, and places. Describe what each defendant did or how he/she is involved. If you are making a number of related claims, number and explain each claim in a separate paragraph.)

COMES NOW, Plaintiff ANTHONY JEROME MILLS, pro se, Sues
Defendant Thomas C. Mooney, esq., for a Breach of Contract
in a criminal matter

1. Defendant is licensed to practice by the
Court of Appeals and currently practicing Law in Prince

George's County, Maryland, who holds himself out to the public as knowledgeable in handling criminal defense matters.

2. Plaintiff retained Defendant after Plaintiff was charged with Robbery, First-Degree Burglary, Third-Degree Burglary, Fourth-Degree Burglary, Second-Degree Assault, and Theft under \$500 in Maryland Case number: CT021208X.

3. At the time Plaintiff was charged with these crimes, he was gainfully employed as a foreman and heavy equipment operator, earning a salary of \$85,000 per year.

4. On May 1, 2007, Defendant assured Plaintiff if he changed attorney's he would personally represent him, at which time Plaintiff was being represented by Michael S. Blumenthal, Esquire Bar No.: BL0794.

5. On May 7, 2007, Plaintiff's mother Ms. Henrietta R. Murry, paid eight thousand dollars (\$8,000) fee for Defendant's legal representation, thereby retaining Defendant.

6. On May 11, 2007, Plaintiff entered into an Attorney/Client Agreement with Defendant for representation and Defendant entered his appearance in Maryland Case number: CT021208X.

7. On July 20, 2007, Plaintiff was offered a time served disposition plea offer that Plaintiff turned down maintaining his innocence.

8. On September 12, 2007, Plaintiff had a jury trial scheduled before the Circuit Court for Prince George's County, Maryland in said case.

9. On September 13, 2007, Plaintiff was convicted of all charges including Robbery, First-Degree, Third-Degree, Fourth-Degree Burglary, Second-Degree Assault, and Theft under \$500, and sentenced to incarceration for forty-five (45) years.

10. On April 30, 2015, the Circuit Court for Prince George's County, Maryland ruled that Plaintiff's sentence was illegal, because the Lesser included Charge of assault was not merged into the robbery conviction, and Plaintiff was sentenced on both counts.

11. On April 13, 2017, after Plaintiff had started experiencing bias from the Circuit Court for Prince George's County, Maryland were Defendant practice Law, Plaintiff requested for and was granted, to have his complaint dismissed without prejudice. (see attached as exhibit A).

COUNT 1 - NEGLIGENCE

12. Plaintiff incorporates and re-alleges all previous paragraphs as though fully set forth herein;

13. Defendant owed Plaintiff a duty of due care and diligence as employed by other competent attorneys engaged in the practice of Law- Specifically Criminal defense Law.

14. On said day of trial Defendant sent his young inexperienced associate, John J. Pikulski IV, Esquire (Pikulski) to Court to request a continuance.

15. This was the second time the Defense had requested a continuance.

16. The Court had granted the Defense its first request for a continuance and the second request for a continuance was denied.

17. Defendant knew or should have known, that the Court rarely grants a second continuance without exceedingly good cause being shown, and Defendant knew or should have known that the reasons he gave were unlikely to be considered good cause.

18. This left Pitulski, unprepared on the day of trial, inexperienced as a trial attorney and unsupervised by Defendant, to defend Plaintiff before the jury.

19. Defendant negligently failed to subpoena both alibi and expert witnesses, although he had their contact information two months in advance of trial.

20. Defendant negligently failed to move for dismissal, based on improper venue, because the crime occurred in Montgomery not Prince George's County.

21. Defendant negligently failed to move for dismissal, based on double jeopardy, Plaintiff being tried more than once for the same offense.

22. Defendant negligently failed to adequately supervise Pitulski, by making sure he was prepared for trial, in case the Court denied the request for a continuance.

23. Defendant's negligence, including his failure to appear prepared for trial or send a competent replacement, the reasons enumerated above, with many additional reasons to be proven at trial, was a breach by Defendant of his professional duty to Plaintiff.

24. Due to Defendant's negligence Plaintiff was convicted of all charges, including Robbery, First-Degree Burglary, Third-Degree Burglary, Fourth-Degree Burglary, Second-Degree Assault, and Theft Under \$500, and was sentenced to incarceration of forty-five (45) years.

25. Defendant's negligent failure to be prepared to Zealously defend Plaintiff was the sole and proximate cause of Plaintiff's conviction.

26. But for the Defendant's negligence, Plaintiff would likely have prevailed and not have been convicted of the charges brought against him in the wrong venue, PG COUNTY.

27. Due to Defendant's negligence, Plaintiff was gravely prejudice and has suffered emotional trauma, Loss of familial interaction and relationships, lasting and permanent mental anguish, economic ruin, and a projected forty-five year loss of personal freedom, of which he has already endured more than fourteen (14) years.

28. ALL of Plaintiff's Losses and damages were caused solely by the negligence of Defendant and without any negligent act on the part of Plaintiff contributing.

WHEREFORE, this action is instituted and Plaintiff prays Three Million Dollars (\$ 3,000,000) in compensatory damages, and prays further that this Court enter said award as a judgment in his favor.

COUNT 2 - BREACH OF CONTRACT

29. Plaintiff incorporates and re-alleges all previous paragraphs as though fully set forth herein;

30. Defendant is an attorney duly License to practice Law and with whom Plaintiff enter into an Attorney/Client Agreement.

31. Plaintiff's mother, Ms. Henrietta R. Murry, paid Defendant an eight thousand dollar (\$8,000) fee for legal representation, and Defendant entered his appearance for Plaintiff.

32. Defendant had a duty to provide Zealous Competent Legal Services to Plaintiff.

33. Defendant failed to provide Zealous Competent Legal services to Plaintiff in that he failed to employ the degree of due care which a reasonably prudent lawyer would have exercised under the same or similar circumstances.

34. Defendant failed to provide Zealous Competent Legal services to Plaintiff (including but not limited to the allegations in above Paragraphs 14-27,) thereby material breaching his contract with Plaintiff.

35. Due to Defendant's failure to perform on the retainer contract with the standards to be reasonably expected of a competent practitioner in the profession, Plaintiff was convicted of all charges, First-Degree Burglary, Third-Degree Burglary, Fourth-Degree Burglary, Second-Degree Assault, and Theft Under \$500, and was sentenced to incarceration of forty-five (45) years.

36. Due to Defendant's failure to perform competently on the contract Plaintiff has suffered emotional trauma, loss of familial interaction and relationships, lasting and permanent mental anguish, economic ruin, and a projected forty-five (45) years loss of personal freedom, of which he has already endured more than fourteen years.

37. ALL of Plaintiff's losses and damages were caused solely by the breach of Defendant and without any negligence act on the part of Plaintiff contributing.

WHEREFORE, this action is instituted and Plaintiff prays Three Million Dollars (\$3,000,000) in compensatory damages, and prays further that this Court enter said award as a judgment in his favor.

Respectfully Submitted,

Anthony T. Mills

ANTHONY JEROME MILLS/#348079
Jessup Correctional Institute
P.O. Box 534
Jessup, MD 20794

Plaintiff/pro se

PRAYER FOR JURY TRIAL

To the Clerk of the Court:

The Plaintiff elects to have his case tried before a jury.

Anthony T. Mills

ANTHONY JEROME MILLS

IV. Relief

(State briefly what you want the Court to do for you.)

This action is instituted and Plaintiff prays Three Million
Dollars (\$ 3,000,000) in compensatory damages, and prays
further that this Court enter said award as a judgment in
his favor.

SIGNED THIS 31 day of March, 2021.

Anthony F. Mills / # 348079
Signature of Plaintiff

Anthony T. Mills
Printed Name

P.O. Box 534
Address

Jessup, Maryland 20794
Telephone Number

Email Address

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ANTHONY JEROME MILLS
Jessup Correctional Institute *
P.O. Box 534
Jessup, MD 20794

(Full name, date of birth, identification #, address of petitioner)
Plaintiff,

v.
THOMAS C. MOONEY, Esq., et al *
14750 Main Street, Second floor
Upper Marlboro, MD 20772

Case No.: _____
(Leave blank. To be filled in by Court.)

(Full name and address of defendant)
Defendant(s).

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2021,
a copy of Complaint Suit Thomas C. Mooney, Esq., for Breach of contract
was mailed via first class mail, postage prepaid, to United States District Court,
6500 Cherrywood, L.N., Greenbelt, MD 20770, "Clerk of
the Court"

Anthony T. Mills
Signature of Plaintiff

Anthony T. Mills
Printed Name

P.O. Box 534, Jessup, MD 20794
Address

Telephone Number

Email Address